

# **REZONING APPLICATION ANALYSIS**

**ZONING CASE #: Z2015-32** 

**LEGISTAR: #20150814** 

LANDOWNERS:

Alan Schlact

3300 Sulky Circle

Marietta, GA 30067

**OWNER/APPLICANT:** 

Kraft Mark Homes, LLLP

**AGENT:** 

Garvis L. Sams, Jr.

Sams, Larkin, Huff & Balli, LLP

376 Powder Springs Street

Suite 100

Marietta, GA 30064

**PROPERTY ADDRESS:** 

770, 780, 786 & 790 Powers Ferry Road

PARCEL DESCRIPTION:

17 07960 0260 17 07960 0270 17 07960 0390

17 07960 0380

AREA: 3.17 acres

**COUNCIL WARD: 6A** 

**EXISTING ZONING:** 

R-20 (Single Family Residential) - County

**REQUEST:** 

R-4 (Single Family Residential – 4 units/acre) - City

**FUTURE LAND USE MAP** 

**RECOMMENDATION:** 

LDR (Low Density Residential)

REASON FOR REQUEST: The applicant is requesting the annexation and rezoning of these properties in order to construct a new twelve (12) home subdivision.

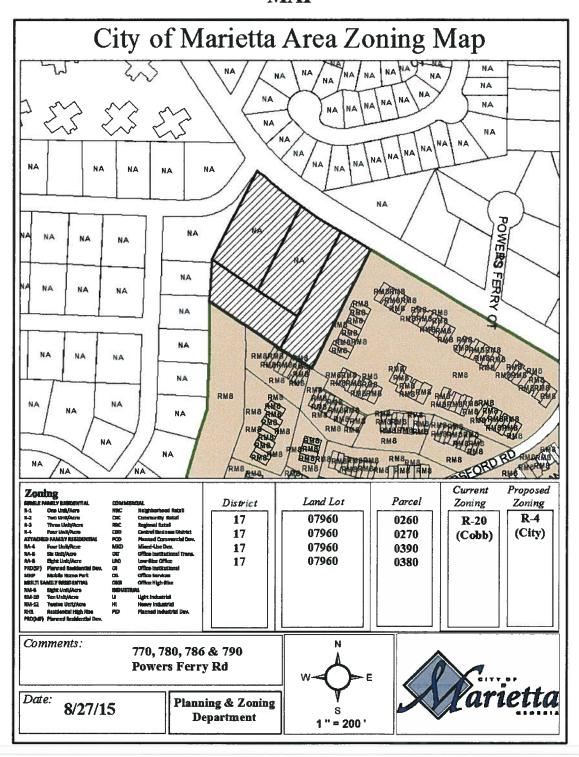
PLANNING COMMISSION HEARING: Tuesday, October 6th, 2015 – 6:00 p.m.

CITY COUNCIL HEARING:

Wednesday, October 14th, 2015 – 7:00 p.m.

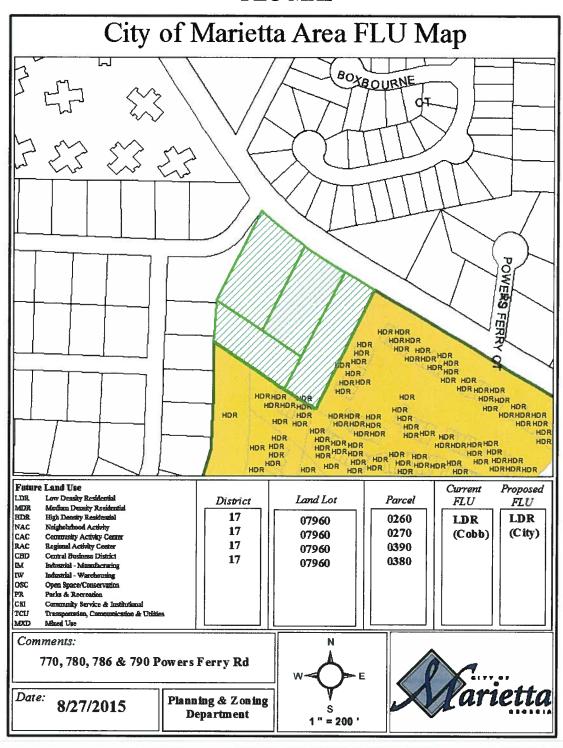


# **MAP**





# **FLU MAP**





#### PICTURES OF PROPERTY



780 Powers Ferry Road



770 Powers Ferry Road





#### STAFF ANALYSIS

#### Location Compatibility

The applicant, Kraft Mark Homes, LLLP, purchased the subject property from the previous owner, Alan Schlact, in September 2015, and is requesting the annexation of 3.17 acres from Cobb County, zoned R-20, to R-4 (Single Family Residential – 4 units/acre) in the City of Marietta. The property is located on Powers Ferry Road near its intersection with Tuxedo Drive and Little Road. To the east and south side of the subject properties are condominiums zoned RM-8 (Multi Family Residential – 8 units / acre) and located in the city limits. West and north, across Powers Ferry Road, are single family detached homes zoned R-20 and RA-6 in Cobb County. Two of the four properties are undeveloped while the other two contain single family homes fronting on Powers Ferry Road.

#### Use Potential and Impacts

This development would be consistent with the development pattern of the surrounding area, which is already predominately medium density residential. The construction of twelve (12) lots on 3.17 acres translates to 3.78 units per acre, but this does not take into consideration the area proposed for the right of way dedication and stormwater management facility. As a result, the proposed lots are narrow and the applicant has requested the following variances from the following bulk and area regulations, should the annexation and rezoning be approved:

- Variance to reduce the minor side yard setback from ten (10) feet to seven and a half (7.5) feet. [§708.04 (H)]
- Variance to reduce the minimum lot width from 75 ft./60 ft. for a cul-de-sac to 45 ft./30 ft. for a cul-de-sac [§708.04 (H)]. City code defines lot width as "the distance between the side lot line measured along the front building line of the lot as determined by the prescribed minimum front setback requirement."

The applicant has provided pictures of other homes constructed by the builder. However, the homes in the pictures appear much wider than the lots in the proposed subdivision could accommodate; the buildable area on some of the lots is as narrow as twenty seven (27) feet.

Cobb County's future land use assignment for these properties is LDR (Low Density Residential), which is described as being suitable for one (1) and two and one-half (2.5) units per acre. Although the applicant has requested R-4 zoning, the City recommends assigning these properties a future land use of LDR (Low Density Residential), which is appropriate for single family housing with densities up to three (3) units per acre.

# Environmental Impacts

There is no floodplain, streams, wetlands, or topographical issues on the site, nor is there any indication of endangered species.



#### STAFF ANALYSIS

#### Economic Functionality

These properties contain two single family ranch homes, built in the 1960s, across the four parcels. While the homes are functional as built and zoned, the acreage of the property could sustain a higher density.

#### Infrastructure

Lockheed Elementary would be the servicing elementary school for this development. Although it is nearing capacity, this project should have minimal impact on the school system.

The proposed plan shows the construction of a new public road ending in a cul-de-sac. Although the right of way width meets code, the paved diameter of the cul-de-sac does not quite meet the requirement of eighty (80) feet; plans would need to be modified to correct this. The plan also shows the stormwater management portion of the development as part of the right of way instead of its own parcel. City code requires stormwater management facilities to be privately constructed and maintained in perpetuity. The Marietta Public Works Department will require a 150-ft. acceleration and deceleration lanes with 50-ft. tapers as well as a 5-ft. sidewalk with a 2-ft. grass strip across the frontage of the developed property along Powers Ferry Road (per City Code 730.01.I.4.b). This will affect the two outer lots.

Marietta Water will require the developer to extend the sanitary sewer main to serve the subdivision. Otherwise, this development should have no adverse effect on water or electric infrastructure in the area.

# History of Property

The city has no records of any prior rezoning, variances, or Special Land Use Permits granted for this property, as it is located in Cobb County.

#### Other Issues

Cobb County has provided the city with a notice of non-objection to the annexation.



#### **ANALYSIS & CONCLUSION**

Kraft Mark Homes, LLLP is requesting the annexation of 3.17 acres from Cobb County, zoned R-20, to R-4 into the city. The property is located on Powers Ferry Road near its intersection with Tuxedo Drive and Little Road. To the east and south side of the subject properties are condominiums zoned RM-8 and located in the city limits. West and north, across Powers Ferry Road, are single family detached homes zoned R-20 and RA-6 in Cobb County. Two of the four properties are undeveloped while the other two contain single family homes fronting on Powers Ferry Road.

This development would be consistent with the development pattern of the surrounding area, which is already predominately medium density residential. The construction of twelve (12) lots on 3.17 acres translates to 3.78 units per acre, but this does not take into consideration the area proposed for the right of way dedication and stormwater management facility. As a result, the proposed lots are narrow and the applicant has requested the following variances from the following bulk and area regulations, should the annexation and rezoning be approved:

- 1. Variance to reduce the minor side yard setback from ten (10) feet to seven and a half (7.5) feet. [§708.04 (H)]
- 2. Variance to reduce the minimum lot width from 75 ft./60 ft. for a cul-de-sac to 45 ft./30 ft. for a cul-de-sac [§708.04 (H)]. City code defines lot width as "the distance between the side lot line measured along the front building line of the lot as determined by the prescribed minimum front setback requirement."

The proposed plan shows the construction of a new public road ending in a cul-de-sac, which does not quite meet the requirement of an eighty (80) foot diameter. City code also requires stormwater management facilities to be privately constructed and maintained in perpetuity, not donated. The Marietta Public Works Department will require a 150-ft. acceleration and deceleration lanes with 50-ft. tapers as well as a 5-ft. sidewalk with a 2ft. grass strip across the frontage of the developed property along Powers Ferry Road (per City Code 730.01.I.4.b). This will affect the two outer lots. Marietta Water will require the developer to extend the sanitary sewer main to serve the subdivision. Otherwise, this development should have no adverse effect on water or electric infrastructure in the area.

Cobb County's future land use assignment for these properties is LDR. Although the applicant has requested R-4 zoning, the City recommends assigning these properties a future land use of LDR, which is appropriate for single family housing with densities up to three (3) units per acre.

Shelly Wurkles Rusty Roth Prepared by:



#### **Department of Development Services**

205 Lawrence Street Marietta, Georgia 30060 Brian Binzer, Director

# **DATA APPENDIX**

CITY OF MARIETTA - WATER	
Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	
Size of the water line?	14 inch
Capacity of the water line?	Variable based on condition of main
Approximate water usage by proposed use?	4,800 GPD
CITY OF MARIETTA - SEWER	
Is a sewer line adjacent to the property?	No
If not, how far is the closest sewer line?	272 feet
Size of the sewer line?	8 inch
Capacity of the sewer line?	Variable
Estimated waste generated by proposed development?	4,800 GPD
Treatment Plant Name?	R.L. Sutton WRF
Treatment Plant Capacity?	Cobb Water must confirm
Future Plant Availability?	Cobb Water must confirm

## **COMMENT-**

Proposed development will require the developer to extend the sanitary sewer main to serve the subdivision.



## **DATA APPENDIX CONTINUED**

#### DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	No
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	Rottenwood Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?  Do stream bank buffers exist on the parcel?	N/A
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No
Transportation	
What is the road effected by the proposed change?	Powers Ferry Rd
What is the classification of the road?	Arterial
What is the traffic count for the road?	N/A
Estimated # of cars generated by the proposed development?	N/A
Estimated # of trips generated by the proposed development?	N/A
Do sidewalks exist in the area?	Yes
Transportation improvements in the area?	No
If yes, what are they?	N/A

The following items will be required as part of the site development plan review process:

- 150-ft. acceleration and deceleration lanes with 50-ft. tapers;
- A 5-ft. sidewalk with a 2-ft. grass strip across the frontage of the developed property along Powers Ferry Road (per City Code 730.01.I.4.b);
- The final ROW-width of Powers Ferry Road across the frontage of the developed property shall equal that of the adjacent properties; and
- Cul-de-sac shall have minimum roadway diameter of 80-ft. and ROW diameter of 100-ft. (per City Code 730.01.E).

#### **Department of Development Services**

205 Lawrence Street Marietta, Georgia 30060 Brian Binzer, Director

# DATA APPENDIX CONTINUED

County Station #3 – 580 Terrell Mill Road  2.2 miles  City Station #55 – 1160 Franklin Road					
				N/A	
				$oldsymbol{L}$	
L					
<u>L</u> Yesx	No				
	No				
Yes <u>x</u>					
Yes <u>x</u> Yes					
	2.2 miles  City Station #55				



205 Lawrence Street Marietta, Georgia 30060 Brian Binzer, Director

## DATA APPENDIX CONTINUED

#### MARIETTA CITY SCHOOLS

#### Marietta City Schools Impact Assessment:

Elementary School Zone Servicing Development: Lockheed Elementary School

Grades six (6) through twelve (12) will be serviced by:

Marietta Sixth Grade Academy

Marietta Middle School

Marietta High School

775 - 875 Current Capacity at Servicing Elementary School:

Current Capacity at Marietta Sixth Grade Academy: 800 - 900

Current Capacity at Marietta Middle School: 1,300 - 1,400

Current Capacity at Marietta High School: 2,500 - 2,600

Current Enrollment at Servicing Elementary School: 861

Current Enrollment at:

Marietta Middle School: 1,343

Marietta High School: 2,215

Number of students generated by present development: 0

Number of students projected from proposed development: 6

New School(s) planned that might serve this area: None

#### **Comments:**

Annexation property would be nearest the Lockheed School Zone. Minimal impact on school.



Department of Development Services 205 Lawrence Street Marietta, Georgia 30060 Phone (770) 794-5440 Brian Binzer, AICP, Director

#### APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)
Application #: \( \bar{Z} 2015 - 32 \)  Planning Commission Hearing: \( \text{Oct. 6, 2015} \)  City Council Hearing: \( \text{Oct. 14, 2015} \)
Owner's Name Alan Schlact Email Address: aschlact@gmail.com
Mailing Address 3300 Sulky Circle, Marietta, GA Zip Code: 30067 Telephone Number 770-309-2313
COMPLETE ONLY IF APPLICANT IS NOT OWNER:
Applicant: Kraft Mark Homes, LLLP by: Garvis L. Sams, Jr., SAMS, LARKIN, HUFF & BALLI, LLP
Mailing Address 376 Powder Springs Street, Suite 100, Marietta, GA Zip Code: 30064
Telephone Number770-422-7016
Address of property to be rezoned: 770, 780, 786 & 790 Powers Ferry Road Cobb
Land Lot (s) 796 District 17th Parcel Listed below Acreage 3.17 Ward County Future Land Use: Cobb County
Present Zoning Classification: R-20 (Cobb County) Proposed Zoning ClassificationR-4 (City of Marietta)

#### **REQUIRED INFORMATION**

Applicant must submit the following information by **4:00 p.m.** on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

Parcels: 17079600260, 17079600390, 17079600380 & 17079600270

- 1. <u>ALL</u> rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk. <u>The original application must be submitted with ALL original signatures</u> <u>Copies of the application or signature(s) will NOT be accepted.</u>
- 2. Legal Description. Legal description must be in a WORD DOCUMENT.
- 3. Application fee (\$500)
- 4. Copy of the deed that reflects the current owner(s) of the property.
- 5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
- 6. Plat/survey showing the dimensions, acreage, location of the tract(s) and utility easements prepared by an architect, engineer (P.E. or Civil Engineer), landscape architect or land surveyor whose state registration is current and valid and whose seal shall be affixed to the plat/survey.
- 7. Site plan (25 copies, drawn to scale) prepared by an architect, engineer, (P.E. or Civil Engineer), whose state registration is current and valid, showing the following:
  - One copy scaled to an 8 ½" X 11" size
  - Specific use or uses proposed for the site
  - Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
  - Detention/retention areas
  - Public or private street(s) right of way and roadway widths, approximate grades
  - Location and size of parking area with proposed ingress and egress
  - Specific types and dimensions of protective measures, such as buffers
  - Landscaping
  - Wetlands and 100 year floodplain
- 8. A detailed written description of the proposed development / project must be submitted with the rezoning application.

#### A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100 376 POWDER SPRINGS STREET MARIETTA, GEORGIA 30064-3448 770•422•7016 TELEPHONE 770•426•6583 FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

August 25, 2015

#### VIA HAND DELIVERY

Mr. Russell J. Roth, AICP Planning & Zoning Manager City of Marietta Department of Development Services 205 Lawrence Street Marietta, GA 30060

Re:

Applications of Kraft Mark Homes LLLP to Annex and Rezone a 3.17 Acre Tract from R-20 (Cobb County) to R-4 (City of Marietta); Land Lot 796 of the 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia

#### Dear Rusty:

This firm has been engaged by and will be representing Kraft Mark Homes, LLLP ("Kraft Mark") concerning the above-captioned Applications for Annexation and Rezoning of a 3.17 acre tract of land ("subject property") which is located on the southwesterly side of Powers Ferry Road, south of Little Road in incorporated Cobb County. The Applications are being filed contemporaneously herewith and seek the Annexation and Rezoning of the subject property from the R-20 zoning classification in Cobb County to the R-4 classification in the City of Marietta.

Even though the subject property is presently zoned R-20 in unincorporated Cobb County, it is in an area along the Powers Ferry Road Corridor which reflects a multiplicity of different zonings including, but not necessarily limited to: R-15, RM-8, RM-12, RA-6, and the RM-8 (Covered Bridge Condominiums) which is located in the City of Marietta.

What Kraft Mark proposes is the construction and development of a single family, detached, residential subdivision consisting of a total number of 12 homes at a maximum density of 3.8 units per acre. The homes will range in size from 2,800 square feet to 4,000 square feet and greater. Each of the homes shall have, at a minimum, an attached 2-car garage which shall be used for the parking and storage of vehicles. The architectural style of the homes shall be traditional and the composition of said homes shall consist of brick, stacked stone, Hardi-plank shake and Hardi-plank siding or combination thereof in substantial conformity to architectural renderings/elevations which will be submitted under separate cover. It is anticipated that the price points for the single family detached homes will range from \$450,000 to \$550,000.

A LIMITED LIABILITY PARTNERSHIP

#### **VIA HAND DELIVERY**

Mr. Russell J. Roth, AICP Planning & Zoning Manager August 25, 2015 Page 2

Concurrently herewith, we have filed the above-captioned Applications for Annexation and Rezoning with all the requisite documentation and information. Once you have had an opportunity to process the Applications, I will be meeting with the Planner assigned to the case. In the interim, please do not hesitate to call should you or your staff require any further information or documentation concerning these Applications. With kind regards, I am

Very truly yours,

SAMS LARKIN, HUFF & BALLI, LLP

Garvis L. Sams, Jr. gsams@slhb-law.com

GLS/klk Enclosures

cc: Mr. Brian Binzer, AICP, Director (via hand delivery w/encs.)

Mr. Arsalan Khalili, Kraft Mark Homes, LLLP (via email w/attachments)

#### A LIMITED LIABILITY PARTNERSHIP

Garvis L. Sams, Jr. Joel L. Larkin Parks F. Huff James A. Balli

Suite 100 376 Powder Springs Street Marietta, Georgia 30064-3448 770•422•7016 TELEPHONE 770•426•6583 FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

August 28, 2015

#### **VIA EMAIL:**

Ms. Michelle Cooper Kelly, Member Marietta City Council 205 Lawrence Street Marietta, GA 30061

Re:

Applications of Kraft Mark Homes, LLLP to Annex and Rezone a 3.17 Acre Tract from R-20 (Cobb County) to R-4 (City of Marietta) (Application Nos. Z2015-32; A2015-06 and CA2015-08)

Dear Ms. Cooper Kelly:

This firm has been engaged by and represents Kraft Mark Homes, LLLP ("Kraft Mark") concerning the above-captioned Applications which were filed earlier this week on August 25, 2015. A copy of the Applications and related documentation and correspondence are attached. The property at issue ("subject property") consists of a 3.17 acre tract of land which is located on the southwesterly side of Powers Ferry Road south of its intersection with Little Road. The subject property is contiguous to a condominium development known as "Covered Bridge" which is located within the City of Marietta and directly across Powers Ferry Road from an RA-6 development located in unincorporated Cobb County called "The Glens at Powers Ferry" which consists of Single-Family detached lots at a density of 4.81 units per acre. Attached is an aerial photograph of the subject property depicting its present positioning along Powers Ferry Road and the other nearby residential developments as described above.

Kraft Mark proposes the Annexation and Rezoning of the subject property from R-20 (Cobb County) to R-4 (City of Marietta) for the purposes of a custom, quality-built, Single-Family detached Residential Subdivision consisting of a total number of twelve (12) homes at an overall density of 3.8 units per acre. The homes will range in size from 2,800 sq. ft. to 4,000 sq. ft. and greater. Each of the homes shall have, at a minimum, an attached two-car garage which shall be used for the parking and storage of vehicles. The architectural style of the homes shall be traditional and the composition of said homes shall consist of a mixture of brick, stacked stone, Hardiplank shake and Hardiplank siding or combinations thereof in substantial conformity to the photographs which are attached hereto. It is anticipated that the price points for the homes will range from \$450,000.00 to \$550,000.00.

A LIMITED LIABILITY PARTNERSHIP

#### VIA EMAIL:

Ms. Michelle Cooper Kelly, Member Marietta City Council August 28, 2015 Page 2

Kraft Mark is extremely excited about new plans for development along the Powers Ferry Road Corridor both in the City of Marietta and in unincorporated Cobb County. The primary purpose of this letter is simply to give you a preliminary heads up and let you know what is going on in your Ward. I will, of course, keep you apprised regarding the ongoing status of these Applications during their pendency. In the interim, please do not hesitate to contact me should you have any questions whatsoever regarding these matters.

With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

Garvis L. Sams, Jr. gsams@slhb-law.com

GLS/dsj

Attachments

cc: Alan Schlact, Esq. (via email w/attachments)

Mr. R. C. Khalili, Kraft Mark Homes, LLLP (via email w/attachments)

Mr. Rusty Roth, AICP, City of Marietta Zoning Manager (via email w/attachments)

Mr. Brian Binzer, AICP, Director, Marietta Department of Development Services (via email w/attachments)

TO: Marietta Daily Journal

FROM: City of Marietta

**RUN AD DATE:** September 18, 2015

# PUBLIC NOTICE OF REZONINGS, SPECIAL LAND USE PERMITS, CODE AMENDMENTS, AND VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held on the following rezonings and code amendment by the Planning Commission on **Tuesday**, **October 6**, **2015**, **6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday**, **October 14**, **2015**, **7:00 p.m.**, City Hall, for a final decision to be made.

**Z2015-32 [REZONING] ALAN SCHLACT (KRAFT MARK HOMES, LLLP)** requesting rezoning for property located in Land Lot 796, District 17, Parcels 0260, 0270, 0390 and 0380, 2<sup>nd</sup> Section, Cobb County, Georgia, and being known as 770, 780, 786, & 790 Powers Ferry Road from R-20 (Single Family Residential – County) to R-4 (Single Family Residential 4 units/acre - City). Ward 6A.

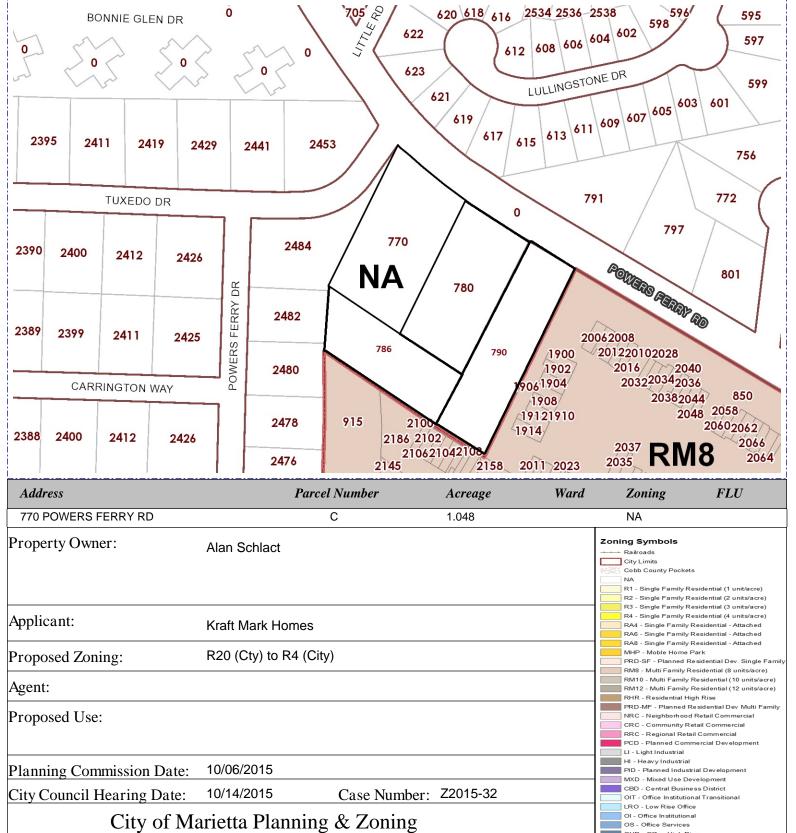
A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

For additional information please call the Planning and Zoning Office (770) 794-5669.

**Accessibility to Meetings:** If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

City of Marietta 205 Lawrence Street Marietta, Georgia 30060

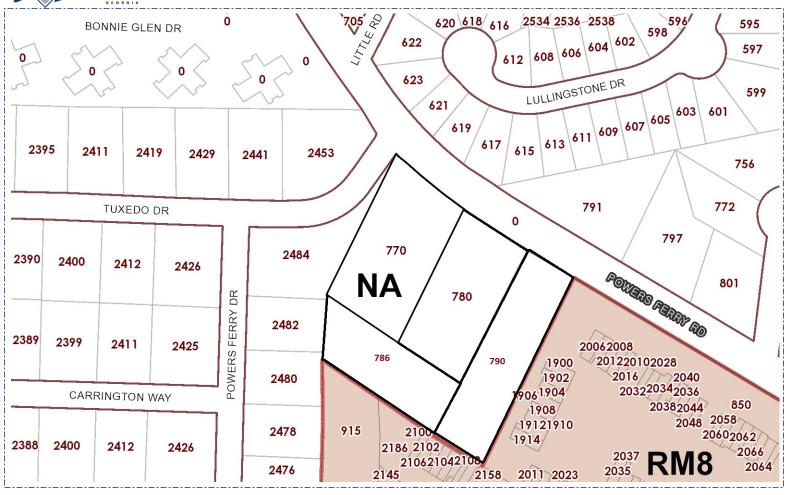
# Rezoning



OS - Office Services OHR - Office High Rise

# 

# **Future Land Use**



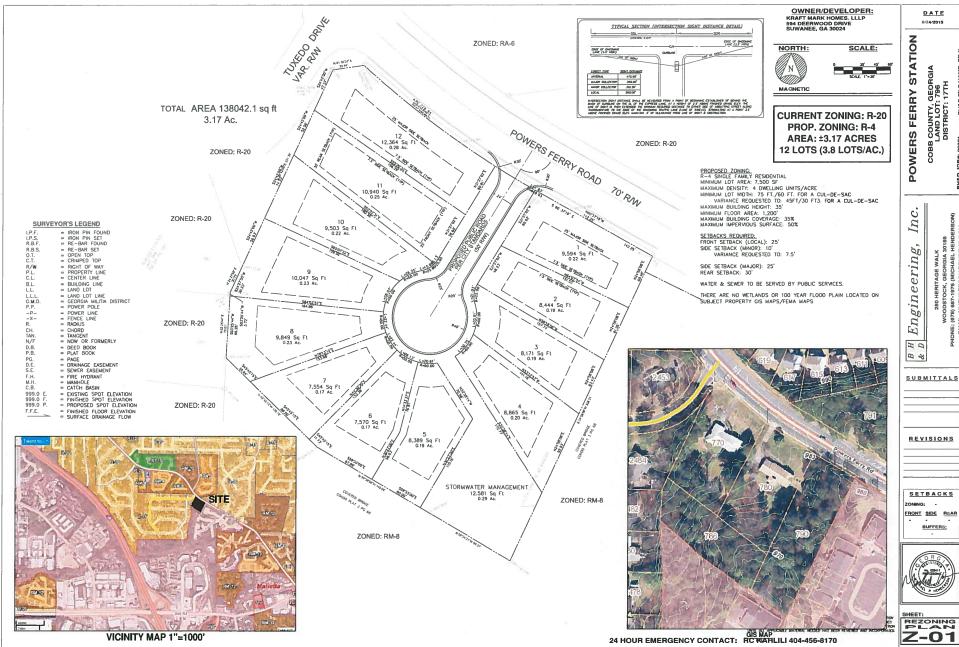
Address		Parcel Number	Acreage	Ward	Zoning	FLU	
770 POWERS FERRY RD		С	1.048		NA		
Planning Commission Hearing Date:	10/06/2015				Future Land Use Symbols  Railroads		
City Council Hearing Date:	10/14/2015				City Limits  Cobb County Po		
Future Land Use:						ty Activity Center	
Case Number:					CBD - Central B		
Comments:						Service and Institutional	
						Density Residential	
					OSC - Open Spa	ace / Conservation	
					PR - Parks / Rec	arehousing	
City of M	Iarietta Pla	nning & Zoning			IM - Industrial Ma	anufacturing ation and Utilities	



# Aerial Map



Address		Parcel Number	Acreage	Ward	Zoning	FLU
770 POWERS FERRY RD		С	1.048		NA	
Property Owner:	Alan Schlact					
Applicant:	Kraft Mark Home	es			Legend Railro	ads
City Council Hearing Date	: 10/14/2015				City Li	mits
Planning Commission Hearing Date:	10/06/2015				Cobb	County Pockets
BZA Hearing Date:		Case Nun	nber: Z2015-32			
Comments:						
City of 1	Marietta Plar	nning & Zoning	7			



DATE 8/24/2015

S COUNTY, GEORGIA LAND LOT: 796 DISTRICT: 17TH

COBB

REVISIONS

SETBACKS

FRONT SIDE REAR BUFFERS;

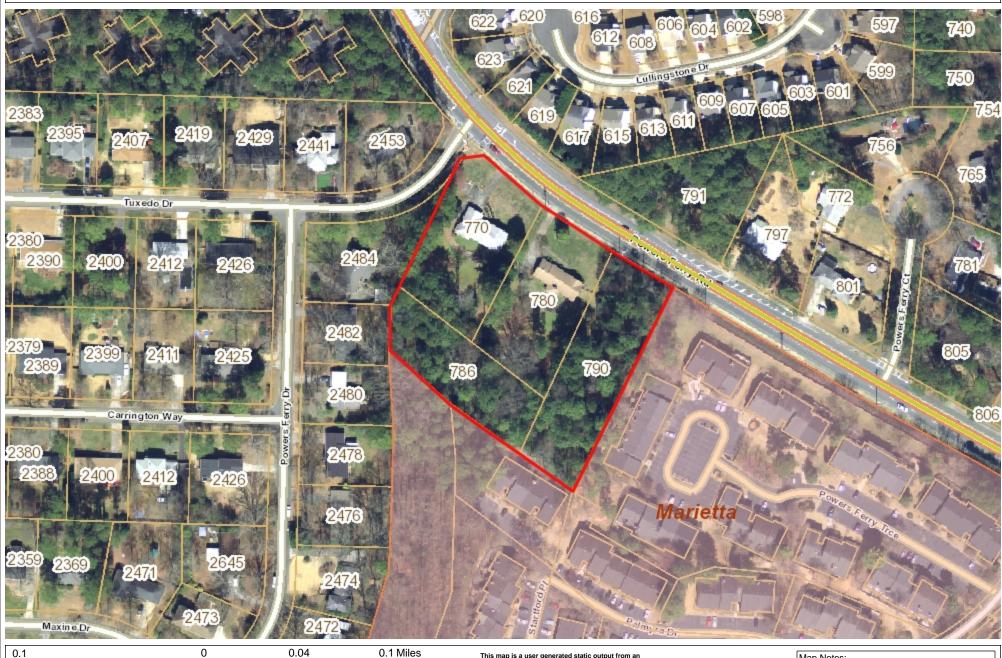


REZONING **Z-01** 



# R. C. Khalili





WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere © Cobb County Georgia

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1:2,288



Map Notes:

# **Products built by Kraft Mark Homes LLLP**





